

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DR. DOUG KNUEVEN,

Plaintiff,

v.

LYSTEN, LLC *trading and doing business as*
ANSWERS PET FOOD *and* KEITH HILL,

Defendants.

Civil Action No. 2:23-cv-368

Hon. William S. Stickman IV

Hon. Lisa Pupo Lenihan

ORDER OF COURT

Plaintiff Dr. Doug Knueven (“Knueven”) brought this lawsuit largely premised on misappropriation of his alleged images, quotes, and “advertising ideas” to “promote the Defendant’s pet food line by and through various marketing and promotional mediums, including [its] website, Twitter, Facebook and Instagram.” (ECF No. 11, p. 6). Defendants have moved to dismiss arguing in part that venue in the Western District of Pennsylvania is improper under the general venue statute, 28 U.S.C. § 1391(b). (ECF Nos. 24 and 25). After Knueven filed a response (ECF No. 29), Magistrate Judge Lisa Pupo Lenihan issued a Report and Recommendation on October 17, 2023, recommending transfer of the case instead of involuntary dismissal for reasons of economic and judicial/litigation efficiency. (ECF No. 33). She recommended that Defendants’ motions (ECF Nos. 24 and 25) be denied, and that Knueven be afforded twenty days to voluntarily dismiss this action. Absent voluntarily dismissal, Magistrate Judge Lenihan recommended that the Court *sua sponte* transfer the case to the United States District Court for the Eastern District of Pennsylvania, in which venue properly lies, in

accordance with 28 U.S.C. § 1406(a). (ECF No. 33). The parties were given until October 31, 2023, to file objections to the Report and Recommendation. (*Id.*).

No objections having been filed, the Court hereby ADOPTS Magistrate Judge Lenihan's Report and Recommendation as its Opinion. It concurs with her thorough legal analysis and conclusion.

AND NOW, this 14th day of November 2023, is it is HEREBY ORDERED that Defendant's motions (ECF Nos. 24 and 25) are DENIED. Plaintiff Dr. Doug Knueven has twenty days to voluntarily dismiss this action. Absent voluntarily dismissal, the Court will transfer the case to the United States District Court for the Eastern District of Pennsylvania.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W S Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE